

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MATTHEW J. GINDLESPERGER,

Plaintiff,

v.

MICHAEL J. ASTURE,
Commissioner of Social Security,¹

Defendant.

Civil Action No. 07-25 Erie

MEMORANDUM ORDER

Plaintiff's social security complaint was received by the Clerk of Court on February 14, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 13], filed on February 26, 2008, recommended that Plaintiff's Motion for Summary Judgment [Doc. No. 9] be denied, and that Defendant's Motion for Summary Judgment [Doc. No. 11] be granted. The parties were allowed ten (10) days from the date of service to file objections. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 13th day of March, 2008;

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment [Doc. No. 9] is DENIED, and that Defendant's Motion for Summary Judgment [Doc. No. 11] is GRANTED.

The Report and Recommendation [Doc. No. 13] of Magistrate Judge Baxter, filed on February 26, 2008, is adopted as the opinion of the Court.

JUDGMENT is hereby entered in favor of Defendant, Michael J. Astrue, Commissioner of Social Security, and against Plaintiff, Matthew J. Gindlesperger.

¹Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Fed.R.Civ.P. 25(d)(1) and 42 U.S.C. 405(g), he is automatically substituted as the defendant in this case.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge